



Privacy Administration

Policy # 1.1

Management of Privacy Complaints

Original Effective
Date: 6/21/2016

Revised Date:
5/19/2017

Purpose: Establish a formal complaint process for individuals to promptly resolve concerns about the privacy and confidentiality of PHI.

Policy:

Travis County investigates and resolves complaints about violations of an Individual's privacy rights and complaints about specific Travis County policies or procedures related to the privacy and the security of PHI. Travis County does not require an Individual to waive the right to complain to receive healthcare treatment or to access health plans. Workforce members who are involved in any complaint processes must keep information related to the complaint and complainant as confidential as possible.

Procedures:

1. Individuals wishing to make a complaint are instructed to contact the County Privacy Officer, or department Privacy Liaison.
2. Individuals may make a complaint via email, phone, or by filling out the Travis County Privacy Complaint form (Form 2). Complaints received by phone or email are recorded by the Privacy Officer or Privacy Liaison on a Travis County Complaint form.
3. Privacy Liaisons send copies of complaint received by them to the Privacy Officer one business day after receipt. The Privacy Officer logs the complaint.
4. The Privacy Officer or Privacy Liaison, communicates with the complainant in writing that the complaint has been received and will be addressed within 30 days, as appropriate. The Privacy Officer notifies the complainant of any delays in meeting this timeline.
5. Complaints are resolved within thirty (30) days of the date received by the Privacy Officer or Privacy Liaison unless extenuating circumstances require longer.
6. The Privacy Officer retains documentation related to complaints for at least six (6) years from the date of receipt. This documentation includes the complaint, documentation of the resolution of the complaint, and all correspondence with the complainant and others relating to the complaint.

Complaints Submitted pertaining to Commissioners Court Programs

The Privacy Officer directly handles privacy complaints involving departments that report to the Commissioners Court according to the following procedures:

1. The Privacy Officer notifies the department head or division manager, responsible for supervising the person or covered component that is the subject of the complaint.
2. The Privacy Officer investigates the complaint, interviews involved persons and reviews applicable operational procedures. Departments furnish information necessary for the investigation in a timely manner.
3. The Privacy Officer prepares a report, a draft copy of which may be provided to Legal Counsel for review and advice. The Privacy Officer will determine a resolution of the complaint, which may include suggested operational changes, or changes to policies and procedures.
4. When the findings of the investigation indicate that an employee has violated the privacy policies, the Privacy Officer consults with Human Resource Management Division (HR) employee relations prior to recommending appropriate sanctions in accordance with the Sanctions policy. The Privacy Officer informs appropriate managers, as necessary, of the recommendation.
5. When the findings of the investigation reveal that a workforce member other than an employee, such as a contractor or a volunteer, has violated the privacy policies, the Privacy Officer will work with the County Executive that oversees the covered component to determine the most appropriate resolution in accordance with the sanctions policy.
6. Departments inform the Privacy Officer of sanctions applied, if any, and the outcomes for documentation purposes as required by 45 C.F.R. §164.530.
7. The Privacy Officer notifies the complainant, in writing, of the resolution of the complaint.

Complaints Submitted pertaining to Non- Commissioners Court Departments

1. Complaints received by the Privacy Officer: the Privacy Officer forwards a copy of the complaint with a tracking number to the appropriate Privacy Liaison within one business day of the receipt of the complaint.
2. The Privacy Liaison, or other workforce member as designated by the Covered Component initiates an investigation of the complaint in accordance with its department protocol. The Covered Component may consult with the Privacy Officer during the investigation for technical assistance and specific requirements of HIPAA and other medical privacy laws.
3. The Department determines a resolution of the complaint. Departments are encouraged to include corrective actions, and apply sanctions in accordance with the sanctions policy in the resolution. The Privacy Officer and the Human Resources Department are available to provide technical assistance and recommendations during this process.

4. The Department or the Privacy Officer, at the Department's request, responds to the complainant within thirty (30) days of receipt of the complaint by the Privacy Liaison. This response will advise the Individual of the resolution of his or her complaint.
5. The Department provides the Privacy Officer with all documentation related to the complaint. The documentation includes the complaint, documentation of the resolution of the complaint, and all correspondence with the complainant and others relating to the complaint.
6. The Privacy Officer retains documentation related to the complaint for at least six (6) years from the date of receipt.